

CHAPTER 21. ACCOMPLISH ISSUANCE OF A U.S. PILOT CERTIFICATE BASED ON A FOREIGN-PILOT LICENSE

SECTION 1. BACKGROUND

1. OBJECTIVE. The objective of this task is to determine whether an applicant is eligible for a U.S. pilot certificate and/or rating based on his or her foreign-pilot license. Completion of this task will result in the issuance, non-issuance, or denial of a U.S. pilot certificate and/or rating.

A. The issuance of a U.S. pilot certificate and/or rating on the basis of a foreign-pilot license would mean the applicant has met the appropriate eligibility requirements of Title 14 of the Code of Federal Regulations (14 CFR) part 61 and the provisions set forth in this chapter.

B. The non-issuance would mean the applicant has not met the appropriate eligibility requirements of part 61 and the provisions set forth in this chapter, and therefore the applicant would be disqualified from receiving a U.S. pilot certificate and/or rating on the basis of a foreign-pilot license.

C. The denial of a U.S. pilot certificate and/or rating would mean the applicant did not meet the appropriate eligibility requirements of part 61 and the provisions set forth in this chapter, and therefore the applicant would be issued Federal Aviation Administration (FAA) Form 8060-5, Notice of Disapproval of Application.

2. GENERAL INFORMATION.

A. General Process. Part 61, § 61.75 allows a person to be issued a U.S. pilot certificate with private pilot privileges based on a foreign-pilot license that is at least equivalent to the U.S. Private Pilot Certificate. The foreign-pilot license must have been issued by a foreign Civil Aviation Authority (CAA) that is a member state to the International Civil Aviation Organization (ICAO) and must be valid. The holder of a valid foreign-pilot license issued by an ICAO member state may use that foreign-pilot license as the basis for issuance of a U.S. pilot certificate even if the issuing country is now defunct (*e.g.*, the Russian Federation). A list of ICAO member states may be found in FAA Order 8700.1, General Aviation

Operations Inspector's Handbook, volume 2, chapter 29, Figure 29-1. Because of changes in world politics, situations, and previously established country boundaries, a country may be an ICAO member but not included on the list provided in Figure 29-1. The most current listing of ICAO member states may be found at: <http://www.icao.int/icao/en/members.htm>. If there is a question about a country's membership in ICAO, you may contact the Certification and Flight Training Branch, AFS-840, in the General Aviation and Commercial Division at (202) 267-8196 for clarification.

B. Applicability. This chapter applies to the issuance of U.S. pilot certificates and ratings to persons who apply based on their foreign-pilot licenses under the following rules within part 61:

(1) Under § 61.29, for persons who request replacement of a certificate issued based on a foreign-pilot license under § 61.75.

(2) Under § 61.39(c)(1), for persons who hold a foreign-pilot license issued by an ICAO member state, that authorizes at least the pilot privileges of the U.S. pilot certificate sought, and who apply for an equivalent U.S. pilot certificate.

(3) Under § 61.65, for persons who apply for an instrument rating on a § 61.75 pilot certificate with the notation "U.S. TEST PASSED."

(4) Under § 61.75, for persons who apply for a § 61.75 Private Pilot Certificate on the basis of holding a foreign-pilot license at least equivalent to the U.S. Private Pilot Certificate issued by an ICAO member state.

(5) Under § 61.75(c), for persons who apply for the addition of an aircraft rating to a § 61.75 pilot certificate with the notation "U.S. TEST PASSED."

(6) Under § 61.75(d), for persons who apply for an instrument rating to a § 61.75 pilot certificate by accomplishing the Instrument—Foreign Pilot Knowledge Test.

(7) Under § 61.123(h), for persons who apply for an unrestricted U.S. Commercial Pilot Certificate on the basis of holding a § 61.75 pilot certificate.

(8) Under § 61.153(d)(3), for persons who hold either a foreign airline transport pilot license with the appropriate aircraft rating or a foreign commercial pilot license (CPL) and an instrument rating with the appropriate aircraft rating (without limitations) who apply for a U.S. airline transport pilot certificate.

C. English Language Requirements. Early in the process of issuing a Private Pilot Certificate based on a foreign-pilot license, an Examiner must determine whether the applicant can read, speak, write, and understand the English language. Advisory Circular (AC) 60-28, English Language Skill Standards Required by 14 CFR Parts 61, 63, and 65, explains how to determine English language abilities required for pilot certification.

(1) If the applicant cannot read, speak, write, or understand English, then an Examiner may not issue the U.S. pilot certificate unless the reason is due to a medical disability. If the reason is due to a medical disability, the applicant must be referred to the jurisdictional FSDO, because only the jurisdictional FSDO may issue a pilot certificate with a medical operating limitation.

(2) If the reason for the applicant's not being able to read, speak, write, or understand English is due to a medical disability (meaning a hearing impairment or speech impairment that is medically substantiated by a certified medical physician), only the jurisdictional FSDO may place an operating limitation on the pilot certificate. The operating limitation will require that the person be accompanied by another pilot who is qualified to serve as a pilot-in-command (PIC) for the appropriate aircraft category, class, type (if class and type of aircraft is applicable), and operating privilege.

(3) If a person is found not eligible for the U.S. pilot certificate because the person is unable to read, speak, write, or understand English, for other than medical disability reasons, issue FAA Form 8060-5. If the reason the person is unable to read, speak, write, or understand English is because of medical disability reasons, then refer the applicant to FSDO for further evaluation. Only an ASI or AST may place an operating limitation on the pilot certificate that is due to a medical disability.

NOTE: FAA Form 8060-5 needs to be issued so the failure will be recorded and on file with AFS-760. Properly recording the failure is needed when and if the person reapplies for the U.S. pilot certificate (e.g., at another FAA FSDO or with FAA representatives who are located in a U.S. Embassy overseas).

D. Obtaining a U.S. Pilot Certificate. A person may apply for a U.S. pilot certificate and associated ratings based on their foreign-pilot license by one of the following methods:

(1) *Under § 61.39(c)(1).* Section 61.39(c)(1) permits a person who holds a foreign-pilot license issued by an ICAO member state which authorizes at least the pilot privileges of the U.S. pilot certificate sought to apply for an equivalent U.S. pilot certificate by accomplishing the required aeronautical experience and passing the appropriate knowledge test and practical test.

(2) *Under § 61.75.* Section 61.75 permits a person who holds a foreign-pilot license at least equivalent to the U.S. Private Pilot Certificate issued by an ICAO member state to apply for a Private Pilot Certificate by complying with the application and certification procedures contained in this chapter. A person may be issued a § 61.75 Private Pilot Certificate based on a foreign-pilot license as follows:

(a) With no instrument privileges for which neither a knowledge nor a practical test is required.

(b) With instrument privileges, provided the applicant has passed the Instrument Foreign Pilot knowledge (IFP) test and the applicant's foreign pilot license has the equivalent Instrument [Aircraft] rating. The IFP knowledge test focuses on Part 91, subpart B areas of knowledge which relate to instrument flight rules (IFR) operational procedures that tests the applicant's knowledge on operating safely in the National Airspace System. The IRA and IRH, knowledge tests are not acceptable in lieu of the IFP knowledge test.

(c) With an instrument airplane U.S. Test passed rating for which the person meets the experience requirements, takes the standard instrument knowledge and practical tests for the appropriate instrument aircraft rating.

(3) *Without Using Foreign-Pilot License.* A person may obtain a U.S. pilot certificate without relying on his or her foreign-pilot license by accomplishing the required training, instructor

endorsements, aeronautical experience, and passing the appropriate knowledge test and practical test as required by the pilot certification requirements contained in part 61. However, if a person holds a standard U.S. pilot certificate (other than a student pilot certificate or recreational pilot certificate), that person may not apply for a U.S. pilot certificate based on his/her foreign pilot license (*see* § 61.75(b)(3)).

NOTE: A person who applies for a U.S. pilot certificate by accomplishing the appropriate pilot certification requirements of part 61 and also holds a pilot certificate issued under § 61.75 does not need to surrender that § 61.75 U.S. pilot certificate. There have been isolated incidences where examiners have mistakenly required a person to surrender their § 61.75 pilot certificate when applying for a standard U.S. pilot certificate. In this instance, it is permissible for a person to hold both a pilot certificate issued under § 61.75 U.S. pilot certificate and a standard U.S. pilot certificate.

(4) *A Commercial Pilot Certificate.* A person who holds a Commercial Pilot Certificate that was issued under § 61.75 before August 4, 1997, may continue to hold that pilot certificate; however, any additional ratings applied for on or after August 4, 1997, shall be issued at the private pilot certification level only.

(5) *Under § 61.75(c).* Persons may apply for an additional aircraft rating to a § 61.75 pilot certificate with the notation “U.S. TEST PASSED.”

(6) *Under § 61.75(d).* Persons may apply for an instrument rating to a § 61.75 pilot certificate by accomplishing the Instrument—Foreign Pilot knowledge test.

(7) *Under § 61.65.* Persons may apply for an instrument rating on a § 61.75 pilot certificate with the notation “U.S. TEST PASSED.”

(8) *Under § 61.123(h).* Persons may apply for an unrestricted Commercial Pilot Certificate based on a § 61.75 pilot certificate.

(9) *Under § 61.153(d)(3).* Section 61.153(d)(3) permits a person who holds either a foreign airline transport pilot license with the appropriate aircraft rating or a foreign CPL and instrument rating with the appropriate aircraft rating (without limitations) issued by an ICAO member state to apply for a U.S. airline transport pilot certificate with the appropriate aircraft

rating by accomplishing the required aeronautical experience, and passing the appropriate knowledge test and practical test.

(10) *Under § 61.73(b)(3)(ii).* In accordance with (IAW) § 61.73(b)(3)(ii), “a rated military pilot of an armed force of a foreign contracting State to the Convention on International Civil Aviation, assigned to pilot duties (other than flight training) with an armed force of the United States and holds, at the time of application, a current civil pilot license issued by that contracting State authorizing at least the privileges of the pilot certificate sought,” may apply for:

- A Commercial Pilot Certificate
- An aircraft rating in the category and class of aircraft for which that foreign military pilot is qualified
- An instrument rating with the appropriate aircraft rating for which that foreign military pilot is qualified
- A type rating, if appropriate

E. Pilot Certificate Requirements.

(1) Section 61.3(b) permits foreign-registered aircraft to be operated within the United States by a pilot holding a valid foreign-pilot license issued by the foreign country where the aircraft is registered.

(2) Section 61.3(a) permits a U.S.-registered civil aircraft to be operated within a foreign country by a pilot holding a foreign-pilot license and with the appropriate aircraft rating issued by that foreign country. Or, a person who holds a U.S. pilot certificate with the appropriate aircraft rating may also operate a U.S.-registered civil aircraft in an ICAO member state. However, persons who operate a U.S.-registered civil aircraft in an ICAO member state country must be aware that some countries may have additional operational and pilot certification requirements. Each pilot must inquire with the foreign CAA and familiarize themselves with that country’s operational and pilot certification requirements before operating a U.S.-registered civil aircraft in that country.

(3) A person may not act as a required pilot crewmember of a U.S.-registered civil aircraft in the United States unless that person holds a U.S. pilot certificate with the appropriate aircraft ratings and privileges.

F. Knowledge Test Failures. A person who fails the Instrument—Foreign Pilot knowledge test will be required to receive additional training and instructor

endorsement in order to reapply for the Instrument—Foreign Pilot knowledge test, IAW § 61.49.

G. U.S. Pilot Certificates That May be Issued to a Person who Holds a Foreign-Pilot License.

(1) The kinds of U.S. pilot certificates that may be issued to a person who holds a foreign-pilot license, per § 61.75, are:

(a) A Private Pilot Certificate based on a valid foreign-pilot license that is at least equivalent to the U.S. Private Pilot Certificate.

(b) A Commercial Pilot Certificate that was issued before August 4, 1997, and was based on a foreign-pilot license at least equivalent to the U.S. Commercial Pilot Certificate level. After August 4, 1997, a person who applies for a pilot certificate based on a foreign-pilot license may only be issued a Private Pilot Certificate. After August 4, 1997, all aircraft ratings issued on a U.S. pilot certificate shall only be issued at the private pilot certification level. The aircraft ratings on the foreign-pilot license must be at least equivalent to the U.S. Private Pilot Certificate level in order to be placed on the U.S. pilot certificate.

(c) A standard U.S. pilot certificate issued after the person has accomplished the required training, instructor endorsements, aeronautical experience, and passed the appropriate knowledge test and practical test as required by part 61.

(d) A standard U.S. pilot certificate IAW § 61.39(c)(1).

(e) A standard U.S. Commercial Pilot Certificate IAW § 61.73(b)(3)(ii).

(2) A holder of a foreign-pilot license at least equivalent to the U.S. Private Pilot Certificate level may hold both a § 61.75 pilot certificate and a standard U.S. pilot certificate at the same time, provided the § 61.75 pilot certificate was obtained before the pilot satisfied the part 61 pilot certification requirements.

(3) If the FAA is unable to determine that a person meets the appropriate pilot certification eligibility requirements for the U.S. pilot certificate or rating, the agency is not obligated to issue the pilot certificate and/or rating until the information can be properly determined.

H. Ratings Issued.

(1) A Private Pilot Certificate issued on the basis of a foreign-pilot license at least equivalent to the

U.S. Private Pilot Certificate level must bear the § 61.5 equivalent of the ratings on the foreign-pilot license. However, an instrument rating may only be issued if:

(a) The foreign-pilot license on which the certificate is based has instrument privileges on it, and

(b) The person passes the Instrument—Foreign Pilot knowledge test on part 91, subpart B, that relates to IFR operational procedures.

NOTE: The instrument rating is not issued at a certain pilot certification level; it is merely a rating/operating privilege.

(2) In some cases, determining the equivalent rating may be difficult. Several foreign countries categorize pilot ratings and limitations by horsepower or engine type. If in need of assistance, examiners should contact their assigned FAA ASI (Operations) or AST first, then call AFS-840 at (202) 267-8196 if further clarification is needed. However, the limitation by horsepower or engine type is not required to be placed on the U.S. pilot certificate, because § 61.75(e)(3) requires the pilot to adhere to the limitations of his or her foreign-pilot license even when exercising the privileges of his or her U.S. pilot certificate.

(3) When a Private Pilot Certificate is issued based on a foreign-pilot license that has instrument rating/privileges, to receive instrument privileges on the U.S. pilot certificate, the person must pass either the Instrument—Foreign Pilot knowledge test or the standard instrument rating knowledge test and instrument rating practical test (see § 61.65).

NOTE: If the applicant's U.S. pilot certificate has not been issued with instrument privileges, then the examiner will advise the applicant that he or she may not serve as a required pilot crewmember of a U.S.-registered aircraft under IFR when exercising the privileges of that U.S. pilot certificate. When the applicant passes the Instrument—Foreign Pilot knowledge test, instrument privileges will be granted on the U.S. pilot certificate. Passage of the Instrument—Foreign Pilot knowledge test does not qualify a person for the notation "U.S. TEST PASSED" for the instrument rating.

(4) To qualify for the notation "U.S. TEST PASSED" for the addition of an aircraft or instrument rating to a U.S. pilot certificate, the person must accomplish the appropriate aeronautical experience,

pass the knowledge test (if applicable), and pass the practical test as required under part 61. Each rating added to the temporary U.S. pilot certificate will have the notation “U.S. TEST PASSED” following the rating to which the notation applies. The required aeronautical experience must be shown on FAA Form 8710-1, Airman Certificate and/or Rating Application. Do not indicate “U.S. TEST PASSED” on the temporary pilot certificate if only the Instrument—Foreign Pilot knowledge test was passed.

(5) When a type rating is shown on the U.S. pilot certificate (meaning a U.S. pilot certificate that was issued based on a foreign-pilot license), that aircraft type rating will be limited to “VFR Only” if the person has not passed either the Instrument—Foreign Pilot knowledge test or the standard instrument rating knowledge test and the standard instrument rating practical test (see § 61.65).

NOTE: Applicants who apply for a type rating with the notation “U.S. TEST PASSED” on their U.S. pilot certificate must have received the required training from the holder of an FAA Flight Instructor Certificate with the appropriate ratings (see § 61.63(d) or § 61.157(b), as appropriate). If the aircraft type rating is for an aircraft with a gross takeoff weight greater than 12,500 pounds, the applicant must also complete a Department of Justice Flight Training Candidate Checks Program form before beginning training for that type rating. However, the requirements on the Department of Justice Flight Training Candidate Checks Program are subject to change, so contact the FAA’s Certification Branch, Washington, D.C., at (202) 267-8196 for the most current requirements.

I. Medical Endorsement or Certificate. A person applying for a U.S. pilot certificate must submit evidence that he or she currently meets the medical standards for the foreign-pilot license on which the application for the pilot certificate is based (see § 61.75(f)). Some foreign CAAs enter periodic medical endorsements on their foreign-pilot licenses, which affect its currency. Therefore, if the foreign-pilot license must have a medical endorsement to make it valid, an FAA medical certificate alone will not satisfy the regulations. In cases when a medical endorsement is not used, a current medical license from the person’s foreign medical examiner or a current part 67 medical certificate will satisfy the

requirement. If the person’s foreign-pilot license shows a medical endorsement, the person should enter the word “endorsement” on FAA Form 8710-1, Section I, block R, or the equivalent class of medical certificate. If using the Airman Certification and/or Rating Application (ACRA), enter the date of that endorsement in block S. If the name of the examiner who administered the medical endorsement is unknown to the applicant because the physical was administered by the foreign CAA, then simply state “Civil Aviation Authority” in block T.

J. Duration. A § 61.75 pilot certificate issued on the basis of a foreign-pilot license remains in effect as long as the foreign-pilot license used to obtain the U.S. pilot certificate is valid.

NOTE: A prefix or suffix change in a foreign-pilot license does require the reissuance of a U.S. pilot certificate. Some examples of countries that issue prefixes and suffixes on their pilot licenses are Canada, Germany, and Great Britain. For example, with a foreign-pilot license issued by Great Britain, the prefix codes the grade level of the pilot license. In Germany, the suffix codes the grade level of the pilot license. In order for the U.S. pilot certificate to correctly identify the person’s foreign-pilot license, if the person’s foreign-pilot license has a change in its prefix/suffix code, it will require the U.S. pilot certificate to be reissued to reflect the person’s most current foreign-pilot license number.

K. Renewal. A § 61.75 pilot certificate issued based on a foreign-pilot license before November 1, 1973, may be reissued at any time upon compliance with the appropriate requirements of § 61.75.

L. Flight Instructor Certificates. A flight instructor certificate or an additional rating on a flight instructor certificate may not be issued based on any foreign flight instructor rating or certificate. A flight instructor certificate will only be issued to a person who meets the appropriate requirements of part 61, subpart H.

M. Added Ratings. If a person requests that a rating be added to his or her U.S. pilot certificate based on meeting the appropriate pilot certification requirements of part 61 (i.e., the practical test and the knowledge test, if a knowledge test is applicable to the rating sought), those requirements must be accomplished before the issuance of that additional rating. However, if the person requests that a rating be

added to the U.S. pilot certificate based on that rating having been added to his or her foreign-pilot license, then no knowledge test or practical test is required.

N. Flying Clubs. A foreign-pilot license issued by a flying club under a specific delegation of the foreign CAA of an ICAO member state is acceptable for the issuance of a Private Pilot Certificate under § 61.75. For example, several countries may delegate the authority to issue glider pilot certificates to members of their national gliding clubs.

O. British Territories. The British Territories listed in FAA Order 8700.1, volume 2, chapter 29, Figure 29-1 are authorized by the British Colonial Air Navigation Order of 1961, as amended to issue their own pilot licenses (not British National pilot licenses). British territory pilot licenses usually bear the name of the territory where they were issued, and the British Territories are identified in the Colonial Air Navigation Order under the year of its most recent amendment. Pilot licenses issued by the British Territories are acceptable for the issuance of the U.S. pilot certificate based on a person holding a foreign-pilot license.

P. Joint Aviation Regulation (JAR)-Flight Crew Licensing (FCL). Since July 1, 1999, some member states of the European Joint Aviation Authorities (JAA) have begun issuing pilot licenses entitled JAR-FCL licenses. These pilot licenses are based upon new licensing regulations developed by JAA member states through the JAA and subsequently adopted by each JAA member state. JAR-FCL pilot licenses do meet ICAO pilot licensing standards, and these JAA member states are also member states of ICAO.

(1) It is important to note that a JAR-FCL license will be issued by a state's CAA and not by the JAA itself.

(2) A listing of JAA member states, as of the date of this chapter, is contained in FAA Order 8700.1, volume 2, chapter 29, Figure 29-1. Current listings of JAA member states may be found at the JAA web site at <http://www.jaa.nl>.

(3) The individual JAA member states are at varying levels of implementation of JAR-FCL regulations, so some JAA member states may still be issuing their own national pilot licenses. Further, national pilot licenses issued by a JAA member state before a state's implementation of JAR-FCL may still be valid for use within that JAA member state and thus acceptable for issuance of a U.S. pilot certificate based

on § 61.75, provided that such pilot licenses meet the appropriate FAA regulatory requirements for the pilot certificate being issued. Any questions concerning the JAR-FCL pilot license should be directed to Flight Standards Service, International Programs and Policy Office, AFS-50.

(4) The format for a JAA-FCL pilot license is shown in FAA Order 8700.1, volume 2, chapter 29, Figure 29-5.

Q. British National Pilot Licenses. The British issue both JAR-FCL pilot licenses, described above in paragraph O, and British National pilot licenses. The section below describes British National pilot licenses or variations listed on the JAR-FCL pilot license.

(1) Both British National pilot licenses and JAR-FCL pilot licenses issued by the British CAA are all printed on white background security paper, but the color of the cover follows the ICAO Annex 1 convention. The private pilot license PPL(A) is light brown (tan), the CPL(A) is blue, and the Air Transportation Pilot License (ATPL)(A) is green. The British National CPL(A) has the same blue cover as the CPL(A) but has a different title. Helicopter pilot licenses are also variously colored with PPL(H) light gray, CPL(H) dark gray, and ATPL(H) white. A flight engineer license has a dark brown cover. The data contained on each British National pilot license is identified numerically. The Roman numeral II describes the pilot license held. If a Flight Standards District Office (FSDO) is asked to issue a U.S. pilot certificate based on a British National pilot license and it is not possible to determine which privileges are applicable, the person will be required to provide the necessary information before completion of the pilot certification process.

(2) The British National CPL(A) and ATPL(A) issued before July 1, 1999, are the only British-issued CPLs equivalent to both the U.S. and ICAO pilot certification requirements. A Private Pilot Certificate with the appropriate ratings may be issued on the basis of a British National CPL(A). With the implementation of JAR-FCL in the U.K., the British now issue a JAR-FCL CPL. Further, the British now issue a JAR-FCL CPL(A) or (H) restricted to British-registered aircraft. This is an acceptable ICAO pilot license, but the holder must meet certain British pilot licensing requirements rather than JAR-FCL pilot licensing requirements for issuance of the pilot license.

(3) When issuing a Private Pilot Certificate that is based on a British National CPL, a thorough examination of FAA Form 8710-1 must be made to determine the privileges and limitations on each pilot license. Those persons who hold a restricted or nonrestricted basic British National CPL(A) are qualified for the issuance of a U.S. Private Pilot Certificate because both the restricted and non-restricted British National CPL(A) licensing requirements meet or exceed the ICAO private pilot licensing standards. The restricted British National CPL(A) is no longer issued in the U.K. but may still be in use.

(a) The restricted basic British National CPL(A) is limited to private pilot privileges only. This pilot license was introduced to allow existing British flight instructors and assistant flight instructors holding only PPLs to continue to instruct for remuneration without having to obtain a full British National CPL(A). The restricted British National CPL(A) requirements meet or exceed the ICAO PPL standards.

(b) The non-restricted British National CPL(A) was issued to pilots who wished to conduct flight instruction or other types of aerial work, except for public transport, for remuneration. This pilot license does not meet the requirements of a full-fledged British National CPL, a U.S. Commercial Pilot Certificate, or ICAO pilot license standards. However, the British National CPL(A) requirement meets or exceeds the ICAO private pilot licensing standards.

(4) The British CAA may issue an instrument meteorological conditions (IMC) rating. Holders of the British IMC privilege are not qualified to receive a U.S. instrument rating for the following reasons:

(a) The IMC privilege is not as high a level of qualification as the instrument rating and confers no privileges for flights requiring compliance with IFR.

(b) IMC privileges can be used only within the U.K. Therefore, a holder of the IMC privilege is not eligible to take the Instrument—Foreign Pilot knowledge test or be issued a U.S. instrument rating.

(5) On August 1, 2002, the British CAA began issuing a PPL(A) for single-engine aeroplanes, motor gliders, and micro-light aircraft. This foreign-pilot license does not meet ICAO standards. It is the equivalent of the U.S. recreational license only and does not require an ICAO medical license; only a declaration of health signed by the holder's general practitioner is needed.

(6) The British CAA issues JAR-FCL medical licenses for ATPL, CPL, and some PPL licenses. The British CAA issues a national medical license for commercial balloon pilot licenses and a declaration of health for its national PPL license, private level balloon license, and micro-lights. Both the JAR-FCL medical and the national medical licenses meet ICAO medical standards. The declaration of health does not meet ICAO medical standards. The duration period for the U.S. medical certificate is addressed in § 61.23. When a person is exercising the privileges of his or her § 61.75 pilot certificate, that person must comply with the appropriate medical certification requirements of § 61.23.

R. Other Known Differences of Some Foreign-Pilot Licenses and Ratings.

(1) The German glider pilot license requires a person to hold a medical license/endorsement when exercising the privileges of their German glider pilot license. That person must also comply with the German medical license/endorsement requirements when exercising the privileges of their § 61.75 pilot certificate for the glider rating (see § 61.75(e)(3)).

(2) Holders of a Spanish IMC privilege are not qualified to receive a U.S. instrument rating because the Spanish IMC privilege does not meet the certification standards and qualification a U.S. instrument rating and confers no privileges for flights requiring compliance with IFR. The Spanish IMC privilege is only authorized for use within Spain. Therefore, the holder of the Spanish IMC privilege is not eligible to take the Instrument—Foreign Pilot knowledge test or be issued a U.S. instrument rating.

(3) Belgium issues some PPLs with the notation "Restricted." This limitation restricts the person to Belgian airspace only. This pilot license parallels the U.S. recreational pilot certificate (i.e., the person has not met the cross-country aeronautical experience and training requirements of ICAO). Do not issue a § 61.75 Private Pilot Certificate to a person who holds a Belgian PPL with the notation "Restricted" on it.

(4) Some foreign-pilot licenses contain a restriction that prohibits the person from operating an aircraft at night. As an example, some foreign CAAs require their citizens to hold an instrument rating and/or a night flying privilege in order to operate an aircraft at night. That person must also comply with that night operating restriction of their foreign-pilot

license when exercising the privileges of their § 61.75 pilot certificate (see § 61.75(e)(3)). A point of clarification: the FAA may not remove the night flying restriction. It is permissible for a foreign pilot who receives a U.S. pilot certificate based on his or her foreign-pilot license to accomplish the required night flying training (for the appropriate grade level of U.S. pilot certificate held) from a holder of an FAA Flight Instructor Certificate, and to receive a solo endorsement to exercise night flying privileges on his or her U.S. pilot certificate.

(5) Some foreign CAAs (e.g., New Zealand and Australia) issue PPLs which specifically limit the pilot to a specific make and model of aircraft or specifically limit the pilot from carrying any passengers. Those persons must also comply with the make and model aircraft and passenger carrying restriction of their foreign-pilot license when exercising the privileges of a § 61.75 pilot certificate (see § 61.75(e)(3)).

(6) Some foreign CAAs have issued pilot licenses that do not identify the grade of pilot license. In those instances, do not issue a U.S. pilot certificate based on that kind of foreign-pilot license. The holder of an SIC foreign-pilot license does not meet ICAO standards for pilot certification.

(7) Some foreign CAAs have issued pilot licenses which limit the person to second-in-command (SIC) privileges only. Do not issue a U.S. pilot certificate based on that kind of foreign-pilot license. The holder of that kind of foreign-pilot license does not meet ICAO standards for pilot certification.

(8) Some foreign CAAs issue Micro-Light Aircraft pilot licenses. A Micro-Light Aircraft pilot license does not meet ICAO standards for pilot certification of a Private Pilot Certificate. Do not issue a Private Pilot Certificate to a person who holds a Micro-Light Aircraft pilot license.

(9) Mexico issues a type rating for each series of make and model of an aircraft. For example, they do not issue a DC-9 type rating that covers all the various series of DC-9. Mexico issues a specific rating, such as DC-9-15 or a Boeing 737-300. Therefore, when an examiner places a type rating on a U.S. pilot certificate based on a Mexican pilot license, he or she needs to specify the series as it appears on the Mexican license.

S. Regulatory Basis for Denying Certification. Since the terrorist attacks on the United States on September 11, 2001, the FAA is more closely

scrutinizing persons who are applying for a U.S. pilot certificate/rating and those who hold a U.S. pilot certificate/rating. However, the FAA has always had a regulatory basis for denying certification to foreign applicants, as per § 61.13(a)(2), which states, in part, a person “who is neither a citizen of the United States nor a resident alien of the United States—(ii) may be refused issuance of any U.S. airman certificate, rating, or authorization.” Additionally, per Title 49 of the United States Code (49 U.S.C.) § 44709(b), “the Administrator may issue an order amending, modifying, suspending, or revoking - (1) any part of a certificate issued under this chapter if - (A) the Administrator decides after conducting a reinspection, reexamination, or other investigation that safety in air commerce or air transportation and the public interest require that action.” The key language in 49 U.S.C. § 44709(b)(1)(A) is “other investigation that safety in air commerce or air transportation and the public interest require that action.” This gives the FAA the right to initiate an action to suspend or revoke an airman certificate when the FAA believes that “safety in air commerce or air transportation and the public interest require that action.”

T. Initial Step in the Application Process with the FAA's Airmen Certification Branch, AFS-760. Effective July 23, 2002, persons applying for a pilot certificate issued on the basis of a foreign pilot license under the provisions of § 61.75, special purpose pilot authorizations under § 61.77, using a pilot certificate issued under § 61.75 to apply for a commercial pilot certificate under § 61.123 (h), applying for an airline transport pilot certificate issued under § 61.153(d)(3), and applying for a certificate issued on the basis of a foreign license under the provisions of §§ 63.23 and 63.42, must have the validity and currency of the foreign license and medical certificate or endorsement verified by the foreign Civil Aviation Authority (CAA) that issued those certificates, before making application for an FAA certificate or authorization.

(1) Examiners should become familiar with this process in order to advise applicants of these new procedures. Examiners should become familiar with the AFS-760 Web site at: <http://registry.faa.gov/airmen.asp#verify>. This Web site explains some of the FAA procedures for issuing U.S. pilot certificates on the basis of a person holding a foreign-pilot license.

(2) Pilot are required to submit the following below information. This information can be completed on the optional form that may be downloaded from the FAA Airmen Certification

Branch Web site at: <http://registry.faa.gov/docs/verify61-75.pdf>. Send the completed form with the preferred documents to the FAA Airmen Certification Branch, AFS-760, P.O. Box 25082, Oklahoma City, OK 73125-0082 or fax the form and documents to (405) 954-9922. The pre-application documents cannot be sent electronically.

(3) Information submitted to the FAA's Airmen Certification Branch by the applicant must include the following information:

(a) The name and date of birth of the applicant.

(b) The address where the person wishes to have the verification of the authenticity letter, issued by the FAA's Airmen Certification Branch, AFS-760, mailed to.

(c) The certificate number and ratings on the foreign license.

(d) The country of issuance of the person's foreign pilot license.

(e) The location of the FAA FSDO where the person intends to make application for his or her U.S. pilot certificate.

(f) A statement that his or her foreign pilot license is not under an order of suspension or revocation.

NOTE: A copy of the foreign license and medical certificate or endorsement should included with all requests for verification of authenticity of the foreign license. A person who is applying for a U.S. pilot certificate/rating on the basis of a foreign pilot license must apply for that pilot certificate at least 90 days before arriving at the designated FAA FSDO where the applicant intends to receive the U.S. pilot certificate. This initial application step is the responsibility of the applicant.

(4) When verification is received from a foreign CAA, the applicant will receive written notification that a copy of the verification of authenticity of the foreign license has been forwarded to the designated FSDO in the applicant's request. The verification of authenticity of the foreign license is valid for 6 calendar months. Applicants may make application for their U.S. pilot certificate at the designated FSDO during that period. A person who is applying for a U.S. pilot certificate/rating based on a

foreign-pilot license must apply for verification of that pilot license at least 90 days before arriving at the designated FAA FSDO where the applicant intends to receive the U.S. pilot certificate. This initial application step is the responsibility of the applicant and not the FSDO. The FSDO may explain to the applicant how the entire application process works. The FSDO does not accept the initial application documents, nor should the FSDO accept a completed FAA Form 8710-1 until after the verification of authenticity has taken place with the Airmen Certification Branch (AFS-760). The applicant may begin the application process in one of two ways:

(a) The applicant may submit the required information using the form developed by AFS-760 (the form may be downloaded at the Web site below; also see Figure 21-1). The applicant may download the instructions for the initial application process and the optional verification of authenticity form from AFS-760's Web site at: <http://registry.faa.gov/docs/verify61-75.pdf>

(b) The applicant may submit a legible hand or typewritten letter with the specific information shown in subparagraph (2) below (at this time, the preapplication documents cannot be sent electronically). The letter should be faxed to AFS-760 at (405) 954-9922 or mailed to:

FAA, Airmen Certification Branch, AFS-760
PO Box 25082
Oklahoma City, OK 73125-0082

(5) The information submitted to AFS-760 by the applicant must include the following information and documentation:

(a) The name and date of birth of the person.

(b) The certificate number and ratings on the foreign-pilot license.

(c) The address where the person wishes AFS-760 to mail the verification of authenticity letter.

(d) The country of issuance of the person's foreign-pilot license.

(e) The location of the FAA FSDO where the person intends to apply for his or her U.S. pilot certificate. The applicants will only be able to obtain his or her U.S. pilot certificate from the FSDO he or she specifies.

(f) A statement that his or her foreign-pilot license is not under an order of suspension or revocation or make the statement on the Verification of

Authenticity of Foreign, Rating, and Medical Certification form.

NOTE: AFS-760 requests a legible copy of the foreign-pilot license and medical license/certificate be included with all requests for verification of authenticity of the foreign-pilot license.

U. Duties and Responsibilities of AFS-760. AFS-760 is responsible for:

(1) Verifying the authenticity of the person's foreign-pilot license and medical license with the foreign CAA.

(2) Ensuring the person's foreign-pilot license and medical license has not been surrendered, suspended, revoked, or expired.

(3) Issuing the verification of authenticity letter to the designated FSDO and a copy to the applicant. (The verification of authenticity letter expires 6 calendar-months from the date on the letter.)

V. Temporary Mailing Address. A temporary mailing address for delivery of the pilot certificate may be indicated on a separate statement attached to the preapplication letter. However, the address required for official record purposes as shown on FAA Form 8710-1 must represent the person's actual

permanent residential street address, including apartment number, etc., when appropriate.

(1) An alternate mail delivery service address (commercial mail box provider), flight school, airport office, etc., is not acceptable.

(2) A post office box or rural route number is not acceptable as a permanent residence on an application unless there are unavoidable circumstances that require such an address.

(3) A person residing on a rural route, in a boat or mobile (recreational) vehicle, or in some other manner that requires the use of a post office box or rural route number for an address must attest to the circumstances by signing a statement on a separate sheet of paper.

(a) The information provided must include sufficient details to ensure identification of the geographical location of the person's residence.

(b) If necessary to positively identify the place of residence, the person will be required to provide a hand-drawn map that clearly shows the location of his or her residence.

(4) When the residence is a boat or other mobile vehicle, the registration number, tag number, dock or park location, etc., must be provided.

SECTION 2. PROCEDURES

1. PREREQUISITES AND COORDINATION REQUIREMENTS.

A. Prerequisites. This task requires knowledge of U.S. pilot certification requirements contained in part 61 and FAA policies and qualification as an FAA ASI (Operations) or AST.

B. Coordination. This task may require coordination with AFS-760 or AFS-840.

2. REFERENCES, FORMS, AND JOB AIDS.

A. References.

- Parts 1, 61, 91, and 187
- PTRS Procedures Manual (PPM)

B. Forms.

- FAA Form 8000-36, Program Tracking and Reporting Subsystem Data Sheet
- FAA Form 8060-4, Temporary Airman Certificate
- FAA Form 8710-1, Airman Certificate and/or Rating Application
- FAA Form 8060-5, Notice of Disapproval of Application

C. Job Aids.

- Figures 21-1, Verification of Authenticity Form and Instructions

3. PROCEDURES.

A. Applicant Arrives at the Examiner. Determine whether the FSDO has received the verification of authenticity letter from AFS-760.

(1) If there is no verification of authenticity letter on file, advise the applicant of the preapplication process per section 1, paragraph 2T. Do not process FAA Form 8710-1 at this time.

(2) If there is a verification of authenticity letter on file, proceed with the application process.

B. Application Process of Person with Verification of Authenticity Letter.

(1) Open PTRS.

(2) Verify that the authenticity letter is still valid (within 6 calendar-months of date on letter).

(a) If the authenticity letter is still valid, review the applicant's FAA Form 8710-1.

(b) If the authenticity letter is no longer valid (more than 6 calendar-months from the date on the letter), advise the applicant that he or she must pre-apply again with AFS-760. Close PTRS.

C. Review the Completed FAA Form 8710-1.

(1) Ensure it is filled out accurately and legibly in ink. (The instructions for completing FAA Form 8710-1 are attached to the application.)

(2) In Section I, Application Information, ensure that the applicant has checked "Private." If the applicant desires instrument privileges on the U.S. pilot certificate, assure that the applicant has also checked "Instrument."

(3) Ensure that Section II, Blocks A through E have been completed.

(4) Ensure the foreign-pilot license information in Block D accurately reflects the information on the foreign-pilot license.

(5) Ensure that Section III, Record of Pilot Time, has been completed.

(6) Ensure that Sections IV and V have been completed.

(7) Have the applicant make any necessary corrections if any of the above items are not accurate or complete.

D. Verify that Applicant has Proper Documents. Verify that the applicant has the following documents with the completed FAA Form 8710-1:

(1) The person's foreign-pilot license. A legible English transcription of the foreign-pilot license, if the foreign-pilot license is not in English, is acceptable.

(2) The person's permanent home of record. (Refer to section 1, paragraph 2U.)

(3) U.S. pilot certificate issued under § 61.75 (for re-issuance).

(4) Foreign medical endorsement/foreign medical license, as appropriate, or a part 67 medical certificate.

(5) Knowledge test results, if applicable.

(6) Verifiable and positive identification of the person (e.g., driver's license, passport, or other acceptable means of identification with a photograph and physical description).

(7) Attach the original verification of authenticity letter issued by AFS-760.

E. Determine ICAO Member State Status.

(1) Note the country in Section II, Block D1 of FAA Form 8710-1.

(2) Compare the country listed with FAA Order 8700.1, volume 2, chapter 29, Figure 29-1, to determine whether the country is an ICAO member state. If there is any question about a country's status, check the listing of current ICAO member states located at: <http://www.icao.int/icao/en/members.htm>.

(a) If the country is not an ICAO member state, inform the applicant that the U.S. pilot certificate cannot be issued and return all submitted documents to the applicant. Close out PTRS.

(b) If the country is an ICAO member state, verify the applicant's identity.

F. Verify the Applicant's Identity.

(1) Establish the person's identity with some form of government-issued photo identification (driver's license, passport, etc.).

(2) Compare the identification with the information provided on FAA Form 8710-1.

(a) If the person's identity cannot be verified for lack of documentation or inadequate documentation, request that the person return with the appropriate identification.

(b) If the person's identity appears to be falsified, do not proceed. (See FAA Order 8700.1, volume 2, chapter 182.)

(3) Review the verification of authenticity letter that was sent to the applicant by AFS-760 and compare it to the information provided by the applicant on FAA Form 8710-1. Although the instructions state that the applicant must furnish the original verification of authenticity letter when making application for a U.S. pilot certificate/rating(s), a facsimile of the verification of authenticity letter from an FAA FSDO or AFS-760 is considered an original verification of authenticity letter.

G. Establish the Applicant's Eligibility.

(1) Review the applicant's foreign-pilot license for the following:

(a) Ensure the information on the foreign-pilot license is the same as the information provided in the person's identification and in FAA Form 8710-1, Section II(D).

(b) Ensure the applicant holds the ratings he or she is applying for by comparing it to the ratings held on the foreign-pilot license.

(c) If the person is requesting an instrument rating, ensure that the applicant's foreign-pilot license authorizes instrument privileges that are equivalent to the U.S. instrument rating. If the applicant needs to take the Instrument—Foreign Pilot knowledge test, refer the applicant to a computer testing center and explain that he or she will have to reapply for the instrument privileges once that test has been passed.

(d) Verify that the applicant has passed the Instrument—Foreign Pilot knowledge test.

(e) Review the person's medical endorsement/certificate to determine that it is valid.

(2) If an applicant is not eligible for the U.S. pilot certificate and/or rating sought, or if a discrepancy exists in any of the items indicated above, return FAA Form 8710-1 and any submitted documents to the person. Inform the person why he or she is not eligible and explain how to obtain the certificate and/or ratings sought. Close out PTRS.

(3) If a person is found not eligible for the U.S. pilot certificate because the person is unable to read, speak, write, or understand English, issue FAA Form 8060-5.

NOTE: FAA Form 8060-5 needs to be issued so the failure will be recorded and on file with AFS-760. Properly recording the failure is needed when and if the person reapplies for the U.S. pilot certificate (e.g., at another FAA FSDO or with FAA representatives who are located in a U.S. Embassy overseas).

(4) If the applicant is eligible for the U.S. pilot certificate, issue the pilot certificate.

(5) Issue the Private Pilot Certificate as follows:

(a) Prepare FAA Form 8060-4 in duplicate, indicating the grade of pilot certificate in Block IX.

(b) Enter the equivalent of the foreign-pilot license category, class, and type ratings (if applicable) in Block XII (see § 61.5).

(c) If the person is eligible for instrument privileges, enter the appropriate instrument rating:

i. INSTRUMENT—AIRPLANE.

ii. INSTRUMENT—HELICOPTER.

iii. INSTRUMENT—POWERED LIFT.

(d) Under the ratings in Block XII, enter “ISSUED ON THE BASIS OF AND VALID ONLY WHEN ACCOMPANIED BY [NAME OF COUNTRY] PILOT LICENSE NO. [NUMBER FROM FOREIGN PILOT LICENSE]. ALL LIMITATIONS AND RESTRICTIONS ON THE [NAME OF COUNTRY] LICENSE APPLY.”

(e) Enter the following operational limitations (when and if appropriate) in Block XIII:

i. “NOT AUTHORIZED TO ACT AS A PILOT-IN-COMMAND” if the person does not read, speak, write, and understand English because of medical reasons, as permitted under § 61.75(b)(5).

ii. For a U.S. § 61.75 Commercial Pilot Certificate (except for the glider or lighter-than-air ratings) that was issued before August 4, 1997, continue to enter “*NOT VALID FOR THE CARRIAGE OF PERSONS OR PROPERTY FOR COMPENSATION OR HIRE OR FOR AGRICULTURAL AIRCRAFT OPERATIONS.*”

iii. Enter the limitation “VFR ONLY” following any type rating if the person has not passed either the Instrument—Foreign Pilot knowledge test or the standard instrument rating knowledge test and the standard instrument rating practical test (see § 61.65).

(f) Sign, and have the applicant sign (in ink), the original and duplicate copy of FAA Form 8060-4.

(g) Issue the duplicate copy to the applicant.

(h) Inform the applicant that a permanent certificate will be sent to the permanent address. If the applicant wants the certificate to be mailed to a different mailing address, have the applicant complete a written request containing the mailing address. Attach the request to FAA Form 8710-1.

(i) Return any submitted documents not needed for the certification package.

(6) Advise the applicant about the rules and requirements contained in part 61 and part 91 (e.g., flight review requirements, recency of experience requirements, required logbook entries). As a point emphasis, make clear to the applicant that a flight review (see § 61.56) must be administered by a holder of an FAA Flight Instructor Certificate with the appropriate ratings before he or she may exercise the privileges of his or her U.S. pilot certificate. The proficiency checks administered by a foreign flight instructor do not count for meeting the flight review requirements of § 61.56.

(7) Complete the certification file as follows:

(a) Complete the reverse side of FAA Form 8710-1 in the area noted as the “Designated Examiner or Airman Certification Representative Report” or “Evaluator’s Record (Use for ATP Certificate and/or Type Ratings),” as appropriate.

(b) Check the boxes on the reverse side of FAA Form 8710-1 in the area noted as the “Designated Examiner or Airman Certification Representative Report” or “Evaluator’s Record (Use for ATP Certificate and/or Type Ratings),” as appropriate, and where applicable.

(c) Date and sign on the reverse side of FAA Form 8710-1 in the area noted as the “Designated Examiner or Airman Certification Representative Report” or “Evaluator’s Record (Use for ATP Certificate and/or Type Ratings),” as appropriate, and where applicable.

(d) Check the applicable boxes in the Attachments section.

(e) Complete the Airman’s Identification (ID) area of FAA Form 8710-1.

(f) Attach the appropriate documents to FAA Form 8710-1, including the verification of authenticity letter.

(g) Forward the completed pilot certification file to the designated FAA FSDO or AFS-760, as appropriate.

4. TASK OUTCOMES. Completion of this task could result in the issuance of:

A. Temporary U.S. Pilot Certificate.

B. FAA Form 8060-5, Notice of Disapproval of Application.

5. FUTURE ACTIVITIES.

A. Issue the same applicant another grade of certificate or additional category, class, or type ratings.

B. Process an enforcement investigation if the application was falsified.

6. QUESTIONS AND ANSWERS ABOUT THE APPLICATION PROCESS.

Question 1. In § 61.75(a), it states, “A person who holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation may apply” In § 61.75(b), it states, “A person who holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation may be issued” Therefore, does the person’s foreign-pilot license have to be “current” before that person may be issued our U.S. pilot certificate? What does the term “current” mean in reference to the phrase “a current foreign pilot license”?

Answer 1. This is a problem because the FAA has not defined what the term “current” means as it relates to a foreign-pilot license. When AFS-760 obtains a verification of authenticity from a foreign Civil Aviation Authority (CAA), it is only verifying the applicant’s foreign-pilot license number, level of pilot license and ratings held, level of the foreign medical license held, and that the applicant’s pilot license and medical license has not been surrendered, suspended, revoked, or expired. Otherwise, the verification of authenticity is to ensure the applicant’s foreign-pilot license and medical license is “valid.” The term “current” in § 61.75(a) and (b) is intended to mean that the applicant’s foreign-pilot license and medical license has not been surrendered, suspended, revoked, or expired, and that AFS-760 has issued the applicant a verification of authenticity letter as a result. Therefore, if the applicant and the FSDO have identical copies of the verification of authenticity letter from AFS-760 that indicate the applicant’s foreign-pilot license and medical license has been verified and is “valid,” that will meet the requirements of § 61.75(a) and (b).

Question 2. Is it permissible to be issued our U.S. pilot certificate based on the person’s foreign-pilot license by permitting the applicant to use a current FAA medical certificate if the applicant’s foreign medical license has expired?

Answer 2. If the verification from the foreign CAA states that the foreign-pilot license is valid, but the

foreign medical license has expired, then in accordance with (IAW) § 61.75(b)(4), it is permissible to accept the FAA medical certificate as meeting the requirement for a current medical certificate. If the foreign CAA SPECIFICALLY states on the foreign-pilot license that the foreign-pilot license is not valid because the medical endorsement/license has expired, then a U.S. pilot certificate may not be issued to the applicant.

Question 3. Does a person who gets issued a U.S. Private Pilot Certificate that was based on a foreign private pilot license (PPL) (or a higher pilot license level) have to comply with the flight review and recency of experience requirements of part 61 before exercising the privileges of his or her U.S. Private Pilot Certificate? If the person accomplished a flight review in his or her foreign country with a foreign flight instructor or a foreign-pilot examiner, will that suffice for the § 61.56(c) flight review?

Answer 3. (Ref. § 61.56(c)(1) and § 61.41(b).) Before a person exercises the privileges of a U.S. pilot certificate, that person must be in compliance with the appropriate pilot certification requirements of part 61. The person must comply with the flight review requirements, recency of experience requirements, required logbook entries, etc., of part 61. The flight review must have been administered by a holder of an FAA Flight Instructor Certificate, with the appropriate ratings, before the pilot may exercise the privileges of his or her U.S. pilot certificate. A flight review/proficiency check that was administered by a foreign flight instructor or a foreign-pilot examiner does not count as meeting the flight review requirements of § 61.56(c).

Question 4. What will be the procedure if AFS-760 is unable to obtain verification from the country that issued the foreign-pilot license?

Answer 4. All verifications must be furnished to AFS-760 by the foreign CAA that issued the foreign-pilot license. A U.S. pilot certificate will not be issued even if a person furnishes verification from the foreign CAA with its letterhead to an FAA FSDO.

Question 5. Will AFS-760 routinely inform the person if verification from the foreign CAA cannot be obtained within 90 days?

Answer 5. No. AFS-760 does not have the staffing resources available to respond to each person. If a person inquires, then AFS-760 will respond.

Question 6. Must the verification request form have the foreign person's signature?

Answer 6. Yes, the verification request form must have the foreign person's signature. The Verification of Authenticity of Foreign License, Rating, and Medical Certification form has a block for the person's signature that states, *"I hereby authorize the issuing CAA to provide all pertinent information to the FAA [Signature of the Applicant]."* The verification request form must have the foreign person's signature because some foreign CAAs have informed AFS-760 that it must have the person's signature in order to release verification information.

Question 7. Can a person fax the verification of authenticity form for requesting issuance of a U.S. pilot certificate, a copy of his or her foreign-pilot license, and an English transcription of that license (if the license is not written in English) to AFS-760?

Answer 7. Yes, a faxed request will be acceptable.

Question 8. How would the applicant request a change of locations of the FAA FSDO where he or she intends to make application for his or her U.S. pilot certificate?

Answer 8. The applicant may request a change of location of the FAA FSDO where he or she intends to make application for his or her U.S. pilot certificate by sending a facsimile to (405) 954-9922 or a letter to the FAA's Airmen Certification Branch, AFS-760, P.O. Box 25082, Oklahoma City, OK 73125. AFS-760 will then send the applicant's verification of authenticity letter to the newly designated FSDO.

Question 9. Section 61.73(b)(3)(ii) provides for a rated military pilot of an armed force of a foreign contracting State to the Convention on International Civil Aviation assigned to pilot duties (other than flight training) with an Armed Force of the United States to be issued a U.S. Commercial Pilot Certificate with the associated aircraft/instrument rating. Do these foreign military pilots have to go through the verification of authenticity process outlined in this chapter?

Answer 9. Yes.

Question 10. Does a person who is applying for a U.S. pilot certificate/rating(s) and is not basing their application on their foreign-pilot license have to submit a request for verification of authenticity from their foreign CAA?

Answer 10. No. A foreign pilot who is applying for a U.S. pilot/flight instructor certificate/rating(s) on the basis of meeting the appropriate part 61 certification requirements and is not using their foreign-pilot license as the basis for the application need not comply with the procedures set forth in this chapter.

However, I must emphasize that my answer is predicated on the understanding that the foreign pilot is not basing his application for a U.S. pilot certificate on his foreign pilot license. For example, it must be understood that my answer is predicated on the foreign pilot not applying for a U.S. ATP certificate in accordance with § 61.153(d)(3) [meaning the person isn't applying for a U.S. ATP certificate on the basis of holding, "... either a foreign airline transport pilot or foreign commercial pilot license and an instrument rating, without limitations, issued by a contracting State to the Convention on International Civil Aviation." Another example, this answer is predicated on the foreign pilot not applying for a U.S. commercial pilot certificate in accordance with § 61.123(h) [meaning the private pilot certificate is not a § 61.75 U.S. private pilot certificate]. Otherwise, the answer means the foreign pilot is applying for a U.S. pilot certificate just like how our U.S. citizens are required to apply for a pilot certificate.

The U.S. Transportation Security Administration (TSA) requires a background check of all foreign persons before training can commence. Emphasis added, before a foreign person can begin receiving pilot training, that person must submit to a background check from TSA. This is a TSA requirement and not an FAA requirement. The FAA's responsibility is to make training providers aware of this TSA rule. It is imperative that all pilot schools, training providers, foreign pilots, examiners, FAA ASTs, and FAA ASIs are aware of this new TSA rule. The procedures and requirements about this rule may be reviewed at the TSA's home page at: www.tsa.gov.

Question 11. How does an applicant comply with the procedures set forth in this chapter if the person is intending to accomplish the practical test with a designated pilot examiner (DPE)? The person is applying for the U.S. pilot certificate/rating(s) based on his or her foreign-pilot license.

Answer 11. The applicant will still be required to initiate the application process with the FAA's Airmen Certification Branch, AFS-760, P.O. Box 25082, Oklahoma City, OK 73125-0082 (see section 1, paragraph 5T). AFS-760 will still send the verification

of authenticity letter to the FSDO that the applicant designated when he or she initiated the application process with AFS-760 (see section 1, paragraph 5U).

If the applicant goes to an examiner outside the designated FSDO's area of jurisdiction, this will require the examiner and the designated FSDO to communicate with one another prior to conducting the practical test. The process will be more efficient if the applicant uses an examiner who resides in the initially designated FSDO's area of jurisdiction, and the coordination will be simpler if the applicant takes the practical test/certification process with an examiner who resides in that designated FSDO's area of jurisdiction.

The examiner will ensure the applicant is in possession of the verification of authenticity letter before beginning the practical test/certification procedure. The applicant's verification of authenticity letter may be an original or a facsimile of the verification of authenticity letter that was received from an FAA FSDO or from AFS-760. The examiner will administer the practical test/certification procedure, and will complete FAA Form 8710-1 in the area noted as the "Designated Examiner or Airman Certification Representative Report" or "Evaluator's Record (Use for ATP Certificate and/or Type Ratings)," as appropriate, and in FAA Form 8060-4, Temporary Airman Certificate. The DPE will give the copy of FAA Form 8060-4 to the applicant and forward the completed FAA Form 8710-1, original copy of FAA Form 8060-4, and the applicant's verification of authenticity letter to the designated FSDO. Pilot examiners using the ACRA program can mail application packages directly to AFS-760.

After the designated FSDO completes the area noted "Aviation Safety Inspector or Technician Report" on FAA Form 8710-1 and completes the procedures set forth in section 1, paragraph 7, the application package will be mailed to AFS-760 for issuance of the permanent certificate.

Although the instructions in this chapter state that the applicant must furnish the original verification of authenticity letter when applying for a U.S. pilot certificate/rating(s), a facsimile of the verification of authenticity letter from an FAA FSDO or AFS-760 is considered an original verification of authenticity letter.

Question 12. Can examiners who were authorized to issue the § 61.75 Private Pilot Certificate/rating prior

to the issuance of this chapter now once again begin to issue the § 61.75 Private Pilot Certificate/rating(s)?

Answer 12. Yes. Pilot examiners who are authorized to issue the § 61.75 Private Pilot Certificate/rating will ensure the applicant is in possession of the verification of authenticity letter before beginning the practical test/certification procedure. The examiner may administer the certification procedure, and will complete FAA Form 8710-1 in the area noted as the "Designated Examiner or Airman Certification Representative Report," and in FAA Form 8060-4. The DPE will forward the completed FAA Form 8710-1, the original copy of FAA Form 8060-4, and the applicant's verification of authenticity letter to the designated FSDO. These instructions do not apply to ACRA users who can send applications directly to AFS-760. The DPE will give the copy of FAA Form 8060-4 to the applicant.

Question 13. An applicant initiates the application process with AFS-760 for a § 61.75 Private Pilot Certificate for an Airplane Single Engine Land rating. The applicant receives the verification of authenticity letter from AFS-760 and the date month on the letter is September 1, 2002. The letter expires after 6 calendar-months (i.e., expires at 12:00:01 a.m. on March 1, 2003). During the time the applicant was waiting to receive his or her verification of authenticity letter from AFS-760, he or she earned an Instrument—Airplane rating on the foreign-pilot license. The applicant receives the § 61.75 Private Pilot Certificate on September 1, 2002. Can the applicant use that same verification of authenticity letter, dated September 1, 2002, to also apply for the Instrument—Airplane rating on his or her § 61.75 Private Pilot Certificate if he or she applies for the added Instrument—Airplane rating on or before 11:59:59 p.m. on February 28, 2003?

Answer 13. Yes. However, because the original verification may not have shown an Instrument—Airplane rating on the foreign-pilot license, the applicant's verification letter must show an Instrument—Airplane rating on the foreign-pilot license.

Question 14. An applicant initiates the application process with AFS-760 for a § 61.75 Private Pilot Certificate for an Airplane Single Engine Land rating. The applicant receives the verification of authenticity letter from AFS-760 and the date on the letter is September 1, 2002. The letter expires after 6 calendar-months (i.e., expires at 12:00:01 a.m. on March 1,

2003). During the time the applicant was waiting to receive the verification of authenticity letter from AFS-760, he or she earned an Instrument—Airplane rating on the foreign-pilot license. The applicant wants to receive the § 61.75 Private Pilot Certificate on October 1, 2002, then come back in on or before 12:00:01 a.m. on March 1, 2003 (after studying for the Instrument—Foreign Pilot knowledge test), take the Instrument—Foreign Pilot knowledge test, and apply for the Instrument—Airplane rating to be added to his or her § 61.75 Private Pilot Certificate. Can the applicant use the verification of authenticity letter, dated September 1, 2002, to also apply for adding the Instrument—Airplane rating onto his or her § 61.75 Private Pilot Certificate, even though the application is being done 30 days after the date he or she received the § 61.75 Private Pilot Certificate?

Answer 14. Yes, the applicant may use the same verification of authenticity letter. Additionally, if the applicant arrives at the designated FSDO on or before 11:59:59 p.m. on February 28, 2003, and starts the process for adding the Instrument—Airplane rating onto his or her § 61.75 Private Pilot Certificate, the person will have met the 6 calendar-month time limit (even if the paperwork isn't sent to AFS-760 until several days later). However, because the original verification may not have shown an Instrument—Airplane rating on his or her foreign-pilot license, the applicant's verification letter must show an Instrument—Airplane rating on his or her foreign-pilot license.

Question 15. An applicant holds a § 61.75 Private Pilot Certificate and an Instrument—Airplane (U.S. Test Passed) on that certificate. The applicant does not want to wait the amount of time it takes to complete the verification check and elects to complete the entire certification process for an unrestricted U.S. Private Pilot Certificate because the applicant ultimately is seeking to apply for a U.S. Commercial Pilot Certificate. The applicant continues with the training and certification for a U.S. Commercial Pilot Certificate. The applicant applies for the U.S. Commercial Pilot Certificate based on his or her unrestricted U.S. Private Pilot Certificate. Can the applicant have the Instrument—Airplane (U.S. Test Passed) transferred to his or her U.S. Commercial Pilot Certificate without being required to comply with the procedures set forth in this chapter?

Answer 15. Yes.

Question 16. What do you do if the applicant holds dual citizenship and the name shown on one passport shows the ethnic spelling one way, while the other passport shows a different ethnic spelling?

Answer 16. The information in this order cannot cover every possible situation. When an unusual situation arises, first ask your supervisor. If your supervisor doesn't know the answer, remember that AFS-760 is the responsible office for administering the verification of authenticity process for foreign pilots, and AFS-840 is the responsible office for pilot certification issues.

Question 17. May a person who holds a § 61.75 restricted U.S. Commercial Pilot Certificate issued prior to August 4, 1997, be eligible to apply for a Certificated Flying Instructor (CFI) certificate on the basis of holding "a Commercial Pilot Certificate" as provided for in § 61.183(c)? The scenario is: a foreign pilot that holds a § 61.75 U.S. restricted CPL (i.e., that was issued on the basis of that person's foreign CPL) that was issued prior to August 4, 1997 (i.e., the date the revision to part 61 became effective).

Answer 17. (Ref. 14 CFR § 61.183(c).) No. When that § 61.75 U.S. restricted Commercial Pilot Certificate was issued, the old § 61.75(i) specifically stated, "[a] pilot certificate issued under this section does not satisfy any of the requirements of this part for the issuance of a flight instructor certificate." Discussion of this question between the FAA's Office of Chief Counsel, Aviation Security and Airmen Certification Law, AGC-240, and AFS-840 determined that those § 61.75 U.S. restricted Commercial Pilot Certificates were issued with a specific restriction against using them to apply for a U.S. flight instructor certificate. Therefore, an applicant who holds the § 61.75 U.S. restricted Commercial Pilot Certificate cannot use it to apply for a U.S. flight instructor certificate.

Question 18. I hold a § 61.75 U.S. Commercial Pilot Certificate with Airplane Single Engine Land and Multiengine Land and Instrument-Airplane rating. My § 61.75 U.S. Commercial Pilot Certificate was originally issued prior to August 4, 1997 (*the date of August 4, 1997 is referenced here to indicate when the FAA revised Part 61 and began limiting the issuance of § 61.75 U.S. pilot certificates to the private pilot certification level only*). I also hold a Canadian Commercial Pilot License with the same ratings held on my § 61.75 U.S. Commercial Pilot Certificate. I intend to apply for an Airline Transport Pilot Certificate and will apply on the basis of having accomplished the required ATP aeronautical

knowledge test and practical test. Do I need to submit a verification of authenticity form to AFS-760 before making application for the practical test?

Answer 18. Yes, you must submit a verification of authenticity form to AFS-760 before making application for the practical test. The reason this is so is because the basis for your making application for

the ATP practical test is your § 61.75 U.S. Commercial Pilot Certificate which was based on your foreign commercial pilot license. And this answer would also be applicable even if you were applying in accordance with § 61.153(d)(3) as being a holder of a foreign commercial pilot license and instrument rating.

FIGURE 21-1. VERIFICATION OF AUTHENTICITY FORM AND INSTRUCTIONS

Verification of Authenticity of Foreign pilot license, Rating, and Medical Certification
(application form can be download at: [<http://registry.faa.gov/>])

NOTE: This form is not displayed in this chapter. This form is subject to revision, so the most current version of this form may downloaded at the above Web site.

Instructions for completing the form can also be downloaded at:
[<http://registry.faa.gov/>]

NOTE: The instructions for completing the form are not displayed in this chapter. Since this form is subject to revision, the most current version of the instructions for completing the form may be downloaded at the above Web site.

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